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F I L E D  
Clerk  
District Court

MAR 17 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

5 Attorneys for Defendant Todd Keith Johnson

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN MARIANA ISLANDS

8 ALAN STUART MARKOFF, D.D.S. dba ) CIVIL ACTION NO. CV-05-0035  
9 TOOTHWORKS and OPEN CHOICE, )  
Plaintiff, ) MOTION TO STAY  
vs. ) Date : Munson, Chief Judge  
11 TODD KEITH JOHNSON, D.D.S., ) Time : 9:00am  
Judge : APR 13 2006  
Defendant. )  
13

14 COMES NOW Defendant Todd K. Johnson, by and through counsel, moves this Court  
15 to stay proceedings in this matter, pending the outcome of *Todd K. Johnson v. Alan S. Markoff*  
16 et al., Case No. 2005-56947, currently pending in the District Court of Harris County, Texas  
17 ("the Texas County Action"), pursuant to the doctrine articulated by the United States  
18 Supreme Court in *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800  
19 (1976). The two proceedings are essentially identical, most of the relevant witnesses are on  
20 the Mainland, The Texas County Action was filed first and the contract that is at issue here  
21 provides that Texas law shall apply.

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23 Therefore, this matter should be stayed until the Texas County Action is completed.  
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ORIGINAL

1 Dated: March 14, 2006.

Respectfully submitted,

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3 O'CONNOR BERMAN DOTT & BANES  
Attorneys for Defendant Todd K. Johnson

4 By: \_\_\_\_\_  
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